

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**July 17, 2008**



**PE 08-03: Seledonio and Margarita Dimas**

**CASE DESCRIPTION:** a request for approval of an exception to standards of the subdivision ordinance that require the installation of a sidewalk in conjunction with a proposed resubdivision, specifically to not require the construction of a sidewalk along South Coulter Drive with a proposed resubdivision

**LOCATION:** 905 South Coulter Drive located at the south corner of South Coulter Drive and East 33<sup>rd</sup> Street in Bryan, Brazos County, Texas

**LEGAL DESCRIPTION:** Lots 1 thru 4 (proposed Lots 1R and 2R) in Block 3 of Cavitt's Southmore Addition

**EXISTING LAND USE:** single-family homes

**ZONING:** Residential District – 5000 (RD-5)

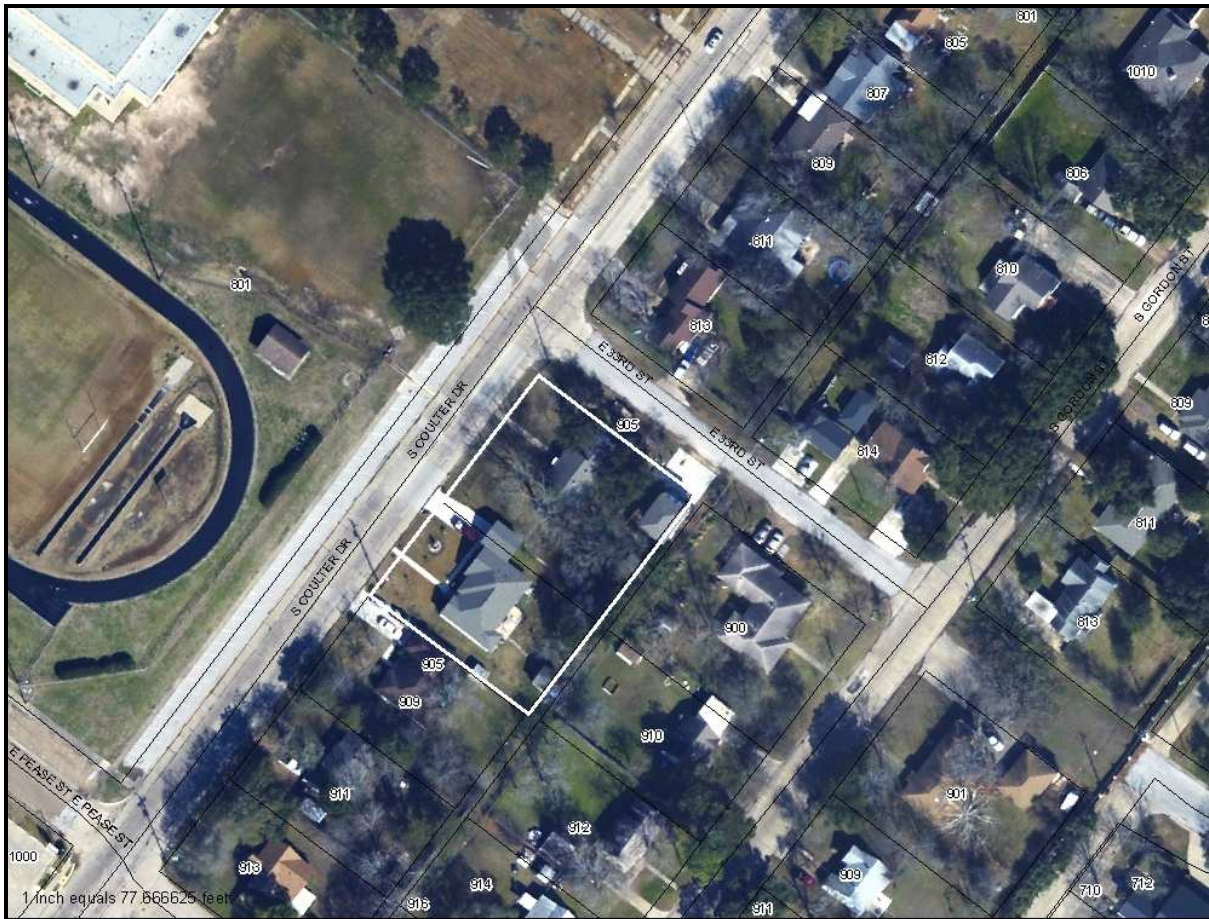
**APPLICANT(S):** Seledonio and Margarita Dimas

**STAFF CONTACT:** Julie Fulgham, Project Planner

**SUMMARY RECOMMENDATION:** Staff recommends **denying** the requested exception.



## **AERIAL PHOTOGRAPH (2008):**



## **BACKGROUND:**

The applicant is requesting an exception to the sidewalk requirement for the replat of Block 3, Lots 1R & 2R of the Cavitt's Southmore Addition. This proposed replat combines 4 lots into two building sites, both occupied with a residence. The proposed sidewalk shown on the replat, in which the applicant is requesting an exception from building, is a 6-foot sidewalk located 3-foot from the edge of the curb and approximately 182 feet long.

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this exception request:

### Chapter 6: Transportation

#### 6.5. Goals, Objectives and Action Statements

## GOAL #1: Provide a Safe, Efficient and Convenient Multi-Modal Transportation System

Objective C) Encourage utilization of alternative modes of transportation including transit, bicycles and pedestrians.

Action Statement 1: Review and update current ordinances to ensure that new development provide sidewalks and bicycle accommodations with direct connections to residential, schools, commercial, and recreational areas and to transit stops.

### ANALYSIS:

The Planning and Zoning Commission may authorize exceptions from standards of the Subdivision Ordinance. The Planning and Zoning Commission may authorize such exceptions when, in its opinion, compliance would not be in the public interest. In granting an exception, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable in the public interest.

In making its findings, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

No exception shall be granted unless the Planning and Zoning Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the standards would deprive the applicant of the reasonable use of the land.

**This lot is no different than other lots in similarly situated areas. Staff maintains that strict compliance with the subdivisions regulations does not deprive the applicant of the reasonable use of the land. Sidewalk construction is part of the cost of (re)developing property. It is true that not all developments adjoining this segment of South Coulter Drive currently have sidewalks. However, the progressive purpose and intent of the Subdivision Ordinance is – over time – to provide sidewalks along most thoroughfares. As nearby properties redevelop, property owners will be required to install sidewalks in front of those properties.**

**Staff believes that, in the long-term, continued application of the requirement to install sidewalks in conjunction with redevelopment will promote the general welfare of the entire community, by providing improved walkways adjacent to thoroughfares. South Coulter Drive is classified as a major collector which “provide(s) connectivity within and around subdivisions,” according to the Comprehensive Plan.**

2. That the exception is necessary for the preservation and enjoyment of the property.

**The construction of a sidewalk does not prevent the property owners from the preservation and enjoyment of the property. Staff contends that enjoyment may actually be derived from construction of the required sidewalk along this segment of South Coulter Drive.**

3. That the granting of the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area

**Staff contends that granting the exception may be detrimental to public health, safety, or welfare, of the general public as there is a school located directly across from the subject property. Typically, pedestrian traffic is higher in close proximity to schools, which is why a sidewalk at this location may benefit the public safety by allowing an alternative pedestrian path to the roadway.**

4. That the granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this Ordinance.

**Granting the exception may detrimentally affect the transportation network in the vicinity if future development requires a sidewalk to tie in to this proposed sidewalk.**

**RECOMMENDATION:**

Staff recommends **denying** the requested exception.